

ATTN: Clerk's Office
Room 5205
D.C. Circuit Court of Appeals
333 Constitution Avenue, NW
Washington, DC 20001

MAY 13 2024

RECEIVED

Dated: May 10, 2024

Dear Clerk of the D.C. Circuit Court of Appeals:

Enclosed, please find

1. a copy of Agency docketing Statement;
2. Motion for Electronic Filing and Notice;
3. Petition for Review of an Agency
4. An Additional Sheet attached to motion for leave to
proceed on appeal in forma Pauperis;
5. A list; and
6. Motion for leave to proceed on appeal in forma Pauperis.

Thank you for your assistance in this matter.

Respectfully submitted,



Xiangyuan Zhu

Enclosures:

an additional sheet

**Attached, to MOTION FOR LEAVE TO PROCEED ON APPEAL
IN FORMA PAUPERIS**

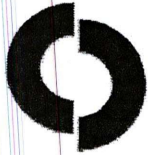
I believe I am entitled to relief. The issues that I desire to present on appeal/review are as follows:

The question for decision is whether OCC that denied Zhu's joint accounts' ownership without affording her "due process of law (*c.f.* 2 CER 229.19 (g), and Effects of Mergers; and 12 CFR 204.2(c), *etc.*)," or fair procedures (*c.f.* 12 CFR § 330.9) prior to denying her joint accounts ownership denies the consumer Zhu's due process of law, and equal protection of the laws in violation of the Fifth and Fourteenth Amendments?

Attached: The OCC's decisions for Complaint filed by Xiangyuan Zhu

Re: Appeal Case # CS 0319664

Capital One, National Association



Office of the Comptroller of the Currency

April 11, 2024

Xiangyuan S. Zhu
3811 S.W. 7th Street, Apt. 23
TOPEKA, KS 66606

Re: Appeal Case # CS0319664
Capital One, National Association

Dear Xiangyuan S. Zhu:

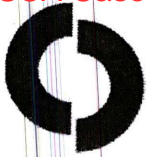
The Customer Assistance Group (CAG) of the Office of the Comptroller of the Currency (OCC) is responding to your appeal complaint dated March 25, 2024, to the Office or Representative Jake LaTurner, and forwarded to our office on April 5, 2024. We reviewed your complaint and all communications to and from our office regarding this matter. Our records show you have gone through all levels of appeal regarding this complaint. The most recent CAG letter, dated November 10, 2021, stated that your case had been through each appeal level and is now considered closed. As such, we are unable to assist you further in this matter. We are attaching a courtesy copy of the November 10, 2021, letter for your reference.

This letter represents our final response, and we will no longer respond to future communication regarding this matter.

Sincerely,

Consumer Complaint Operations Director

OCC - Customer Assistance Group



Office of the Comptroller of the Currency

COPY

November 10, 2021

Xiangyuan Sue Zhu
3811 SW 7th Street, Apt 23
Topeka KS 66606

Re: Appeal Case # 03317530
CAPITAL ONE, NATIONAL ASSOCIATION

Dear Ms. Zhu:

The Office of the Comptroller of the Currency (OCC) is responding to your September 23, 2021 letter regarding the above-referenced financial institution. In your correspondence with our office, you provided documentation from 2003 to support your claim of being a joint account owner under ING Direct. You indicated that you did not receive \$9,000 that were withdrawn from the account. In addition, you wanted to know what service the bank used to send the check.

We reviewed your complaint along with previous correspondence on this matter between you, the bank, and our office. The OCC contacted the financial institution which responded directly to us regarding your concern. The bank's position remains unchanged. The bank indicated that the documentation dated December 5, 2003 does not confirm that you were added as a joint holder to your mother's accounts. While the letter mentions that an account ownership change took place to the ING Direct information, it doesn't specify to which, or to whom's account this activity took place. The bank stated that because the account ownership change reflected on the document is outside our 7-year retention period, they are not able to determine the purpose of the letter. You should be aware that federal record retention laws require that banks retain most account records for five years.

The Customer Assistance Group's consumer complaint process is a service that is provided to customers of national banks and federal savings associations. Information provided within this letter is specifically related to an individual consumer complaint and should not be construed as either a legal opinion of the OCC or a supervisory action. If you are not satisfied with the resolution of your complaint, you may wish to obtain legal assistance to preserve your rights.

Customer Assistance Group, P. O. Box 53570, Houston, Texas 77052
Phone: (800) 613-6743, FAX: (713) 336-4301
Internet Address: www.HelpWithMyBank.gov

The bank cannot provide you with additional information regarding the account or account transactions because you are not the joint holder on the accounts. The documents that the bank outlined in their previous responses must be provided by the executor to settle the accounts since there was no joint holders listed.

Based on our review of your case, including your information and the bank's responses, this is a factual dispute. The OCC does not have judicial authority over disputes involving contractual or factual interpretations. We can only suggest you seek legal counsel, who can best advise you of any legal remedies available. This concludes our investigation of your complaint, and this letter represents our final response. Your case has been through each appeal level and is now closed. As such, we will no longer respond to future communication regarding this complaint.

Sincerely,

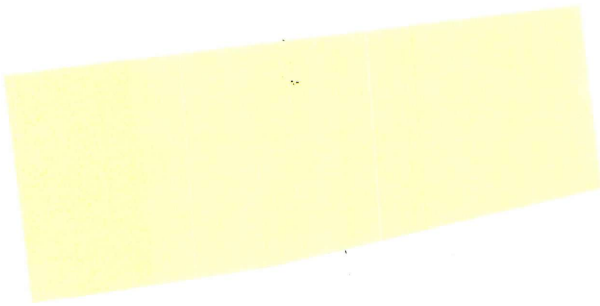
Office of the Ombudsman

The Customer Assistance Group's consumer complaint process is a service that is provided to customers of national banks and federal savings associations. Information provided within this letter is specifically related to an individual consumer complaint and should not be construed as either a legal opinion of the OCC or a supervisory action. If you are not satisfied with the resolution of your complaint, you may wish to obtain legal assistance to preserve your rights.

Customer Assistance Group, P. O. Box 53570, Houston, Texas 77052
Phone: (800) 613-6743, FAX: (713) 336-4301
Internet Address: www.HelpWithMyBank.gov

a list of those so served prescribed by D.C. Cir. Rule 15(c)(1):

I, Xiangyuan Zhu, serve a copy of Petition for Review on each party admitted to participate in the agency proceedings, *e.g.*, Capital One, National Association, 4851 Cox Rd, Glen Allen, VA 23060, on May 10, 2024 via USPS first class mail postage prepaid.



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USCA Case #24-1136 Document #2054701

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Filed: 05/13/2024 Page 7 of 9

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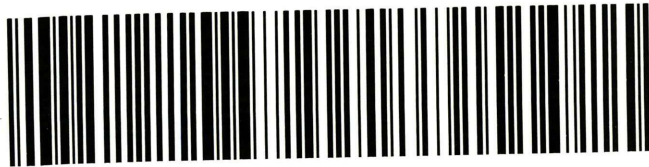
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Xiangyuan Zhu
3811 SW 7th St Apt 23
Topeka, KS 66606

ATTN: Clerk's Office
Room 5205
D.C. Circuit Court of Appeals
333 Constitution Avenue, NW
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Filed: 05/13/2024

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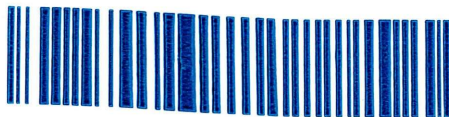
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a list of those so served prescribed by D.C. Cir. Rule 15(c)(1):

I, Xiangyuan Zhu, serve a copy of Petition for Review on each party admitted to participate in the agency proceedings, *e.g.*, Capital One, National Association, 4851 Cox Rd, Glen Allen, VA 23060, on May 10, 2024 via USPS first class mail postage prepaid.